

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.:	09/754,182
Applicant:	Robert Carl Silkey et al.
Filed:	January 3, 2001
Art Unit:	3622
Examiner:	Jean D. Janvier
Title:	SYSTEM AND METHOD FOR NETWORK BASED MARKETING
Docket No.:	111109-001-US

MAIL STOP AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

This communication is in response to the Office communication mailed March 24, 2006. Examination on the merits and allowance of the above identified application is respectfully requested in view of the following, where:

Amendments to the Claims begin on page 2 of this paper; and
Remarks begin on page 4 of this paper.

Amendments to the Claims

The following listing of claims will replace all prior versions and listings of claims in the application:

Listing of Claims:

1 – 41. (cancelled)

42. (previously presented) A computer implemented network based marketing system allowing a service provider to obtain new and repeat clients, the system configured to send a personalized promotion over a communication network, the system comprising:

a database containing a plurality of client profiles, wherein each profile includes a network contact address for the respective client;

a scheduling module configured to manage a calendar of events for a service provider, including scheduling new appointments and canceling existing appointments, the scheduling module further configured to identify an event on said calendar of events pertaining to a first client;

a merge module configured to create a personalized promotion comprising a personalized message, the identified event on said calendar of events, and a reference providing network access to the scheduling module, the merge module further configured to address the personalized promotion to the first client at the network contact address for said first client; and

a communication module configured to send the personalized promotion via a communication network to the first client at the network contact address for the respective client.

43. (previously presented) The system of claim 42, wherein the personalized promotion comprises a holiday greeting.

44. (previously presented) The system of claim 42, wherein the personalized promotion comprises a birthday message.

45. (previously presented) The system of claim 42, wherein the personalized promotion comprises an anniversary message.

46. (previously presented) The system of claim 42, wherein the personalized promotion comprises an appointment reminder.

47. (previously presented) The system of claim 42, wherein the personalized promotion comprises a prescription reminder.

48. (previously presented) A computer implemented method for conducting network based marketing over a communication network to allow a service provider to obtain new and repeat clients, comprising:

- searching a service provider database containing a plurality of client profiles for an event pertaining to a client;

- composing a personalized message to the client pertaining to the event;

- merging the personalized message with a reference providing network access to a scheduling module that manages a schedule of events for the service provider, wherein the personalized message and the reference comprise a personalized promotion;

- sending the personalized promotion to the client via a communication network.

49. (previously presented) The method of claim 48, wherein the personalized promotion comprises a holiday greeting.

50. (previously presented) The method of claim 48, wherein the personalized promotion comprises a birthday message.

51. (previously presented) The method of claim 48, wherein the personalized promotion comprises an anniversary message.

52. (previously presented) The method of claim 48, wherein the personalized promotion comprises an appointment reminder.

53. (previously presented) The method of claim 48, wherein the personalized promotion comprises a prescription reminder.

Remarks

Claims 42 – 53 remain pending in the present application, with claims 42 and 48 being the independent claims. Pending claim 42 is directed to the invention set forth in original claim 17 and pending claim 48 is directed toward the invention set forth in original claim 30. These claims were grouped together by the Examiner in the restriction mailed on June 28, 2004.

Applicant's attorney misunderstood the subsequent restriction mailed on July 15, 2005 based on the Examiner's statement that there was no need to make an election and that the Examiner considered that the claims should have been canceled. Accordingly, Applicant's response was directed toward demonstrating that the Applicant's previous response was in fact responsive and that the pending claims were all directed toward the invention in group IV that was elected by Applicant in its July 26, 2004 reply.

To advance prosecution of this application, Applicant provisionally elects the claims in Group II. However, Applicant requests that the restriction be withdrawn and that the claims originally elected by Applicant in response to the first restriction be examined.

Conclusion

Pursuant to the remarks set forth in Applicant's August 15, 2005 paper, Applicant respectfully asserts that all pending claims are presently in condition for allowance and a notice of allowance for claims 42 – 53 is respectfully requested.

Respectfully submitted,
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Dated: March 31, 2006

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